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Jc640 U.S. PTO

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Attorney Docket P0998D1

PATENT

## CERTIFICATION UNDER 37 CFR 1.10

EM 168 882 244 US: Express Mail Number

March 18, 1999: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

Ann Savelli

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION

Assistant Commissioner of Patents

Washington, D.C. 20231

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Jeffrey L. Cleland  
 Xanthe M. Lam  
 Janet Yu-Feng Yang  
 David E. Overcashier  
 Chung C. Hsu

Title: PROTEIN FORMULATION

## 1. Type of Application

( ) This application is for an original, non-provisional application.

( ) This is a non-provisional application claiming priority to provisional application no. \_\_\_\_\_, filed \_\_\_\_\_, the entire disclosure of which is hereby incorporated by reference.

(x) This is a ( ) continuation-in-part ( ) continuation (x) divisional application claiming priority to application Serial Number 08/615,369, filed March 14, 1996, the entire disclosure of which is hereby incorporated by reference.

## 2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional)

43 pages of specification  
4 pages of claims  
1 page(s) of abstract  
19 sheet(s) of drawings  
☐ formal ☒ informal

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(for Cont./Div. where inventorship is the same or inventor(s) being deleted)  
  x   A copy of the executed declaration/oath filed in the prior application is enclosed  
 (37 CFR 1.63(d)).

## Assignment

(for cont./div.)  
  x   The prior application is assigned of record to Genentech, Inc.

\_\_\_\_\_ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119

--This is a

of co-pending application(s)

Serial No. filed on, which application(s) is(are) incorporated herein by reference

\_\_\_\_ International Application \_\_\_\_ filed on \_\_\_\_ which designated the U.S., which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--

\_\_\_\_ provisional application No. \_\_ filed \_\_, the entire disclosure of which is hereby incorporated by reference and to which application(s) priority is claimed under 35 USC §119.-.

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$760.00
Total Claims	14	- 20 =	0	X \$18.00	\$0.00
Independent Claims	4	- 3 =	1	X \$78.00	\$78.00
— Multiple dependent claim(s), if any				+ \$260.00	\$0.00
Filing Fee Calculation					\$838.00

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$838.00. A duplicate copy of this transmittal is enclosed.

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. A duplicate copy of this sheet is enclosed.

(x) Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449.

- 0 Submission of "Sequence Listing", computer readable copy, certificate re: sequence  
listing, and/or amendment pertaining thereto for biological invention containing  
nucleotide and/or amino acid sequence.
- 0 A new Power of Attorney or authorization of agent.
- 0 Other:

10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)

*(This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run)*

\_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until

\_\_\_\_\_ A copy of the petition for extension of time in the **prior** application is attached.

11. Correspondence Address:

X Address all future communications to:

GENENTECH, INC.  
Attn: Wendy M. Lee  
1 DNA Way  
South San Francisco, CA 94080-4990  
(650) 225-1994

Respectfully submitted,  
GENENTECH, INC.

By: \_\_\_\_\_

Wendy M. Lee  
Reg. No. 40,378

Date: March 18, 1999

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